

Waukesha County Circuit Court Services

All of our efforts as state and county employees of the Wisconsin circuit court system are dedicated to preserving the constitutional protections of our citizens and residents, enforcing the duly enacted laws of the state, aiding the resolution of private and public disputes, and maintaining the integrity and public trust of an independent judiciary in our democratic political system.

* * * OUR MISSION * * *

The mission of Circuit Court Services is to provide superior justice support service and assistance to all court system participants and to enhance public confidence in our justice system. This office is responsible for coordinating and managing the business and financial operations of the Waukesha County circuit courts. The duties of this department are generally prescribed by State Constitution, state statute, state Supreme Court rule, court orders and local judicial rules, and county policies.

Functions performed by Circuit Court Services include:

- * Court case management and event tracking**
- * Court calendar management and scheduling**
- * Case related financial services**
- * Case related family social services, court self-help, defendant monitoring**
- * Court record and information management**
- * Courtroom operations support**
- * Juror management**
- * Court operations and budget management**
- * Facilities coordination and planning**

Environmental Trends

Public Perceptions of the American Justice System and of the Courts

There are a number of recent surveys conducted at both the national and the state level which delve into and provide excellent detail concerning the public's views on and knowledge of our justice systems.

On the national level the results of a nation-wide American Bar Association (ABA) survey conducted in 1998 and a national survey conducted by the National Center for State Courts (NCSC) in 1999 provide information from which we can derive some very clear conclusions. Taken as a whole, the perceptions and beliefs expressed by the survey participants indicate that there are some very significant dichotomies present in the public's perceptions of and confidence in our national legal system.

At the state level, a series of Wisconsin consumer surveys on state justice system issues and direct court system participant surveys from 1996, and a series of state-wide public focus group meetings from 2000, provide us with a great deal information on public perceptions and comments specific to our court systems and legal processes.

More recently at our local level, in February of 2002, the Waukesha County Clerk of Court office, Juvenile Court office, and Register in Probate office participated in a state sponsored pilot 'Court Users Survey' which focused specifically on the service perceptions of persons who visited or interacted with our local circuit courts and related offices.

National Perceptions

In the 1998 ABA survey, "80% of all respondents either strongly agree or agree" that "in spite of its problems, the American justice system is still the best in the world."

However, it is very clear based upon detailed responses to a series of qualitative queries obtained in both the ABA and the NCSC surveys, that in specific areas related to the complexity of legal procedures, system impartiality, and the time and cost expended to obtain legal relief, that this confidence level fluctuates and that there is considerable variability among respondents based upon their educational and ethnic/racial demographics.

In summarizing the two national surveys, we can detail a number of important issues or findings:

- ❖ Conceptually, there is strong support for, and confidence in our justice system.

- ❖ This confidence varied depending upon the respondent's demographics and whether they had any direct experiences with the court system.
- ❖ There are significant numbers of persons who lack an understanding of the three branches of government and what their responsibilities are.
- ❖ A significant percentage of persons expressed concern for the impartiality of the system due to perceived 'political' influences and campaign financing.
- ❖ Survey respondents indicate they believe that timely case disposition, the complexity of the system, and the cost of litigation in terms of direct legal expenses and their personal time are negative aspects of the process.
- ❖ A significant majority of respondents indicate they believe "judges are generally honest and fair in deciding cases."
- ❖ Court personnel are generally perceived to be "helpful and courteous" by a majority of respondents.

Wisconsin Perceptions

In Wisconsin, the perceptions of citizens and residents mirror the national survey findings to a great extent. Following up on numerous in-state survey materials, the State Supreme Court, the State Bar, and the League of Women Voters collaborated in 2000 to establish a committee to assess how Wisconsin residents feel about their legal system. This committee, the Public Trust and Confidence Steering Committee, identified and prioritized a series of key justice system issues for presentation and reaction at five separate focus group panels across the state. Each focus group consisted of between 6 and 13 persons with varying degrees of system knowledge and/or contact. The focus groups were facilitated through a professor who chairs the Business Ethics section of the UW-Madison School of Business. The group discussions were designed to allow focus group participants to voice their personal experiences and reactions to system issues identified as priorities from previous surveys. and to suggest improvements.

Following the focus sessions, the findings were compiled and are currently being utilized to establish a State Action Plan designed to focus efforts and resources in the following areas:

- ❖ Providing Equal Treatment in the Justice System
- ❖ Encouraging Judicial/Attorney involvement in the Community
- ❖ Enhancing Satisfaction with the Juvenile Justice System
- ❖ Increasing Empathy in the Justice System
- ❖ Improving the Selection and Treatment of Jurors

Waukesha County Perceptions

Closer to home, early in 2002, the Criminal/Traffic, Family, Civil, Juvenile and Probate offices of the Waukesha County Circuit Court Services department participated in a pilot survey project with the State Court Director's office which was designed to obtain

demographic information and user satisfaction measures from persons who were in direct contact with court staff and/or utilized court related services.

The results of this survey indicate that from a qualitative perspective, persons who had utilized the Waukesha County court system (and chose to respond to a survey) were generally very satisfied with their interaction. The survey solicited responses in such areas as staff courtesy, staff knowledge, timely service, facility directions and accessibility, parking, and personal safety; and survey respondents rated Waukesha County Court Services at a combined score of 4.58 out of 5, with a score of 5 indicating 'strong agreement' by survey participants on questions in the areas noted above. Specific survey results can be found under Appendix A at the end of this document.

Focus Areas for Court System Officials

From a long-term planning perspective, the court system continues to face and respond to many of the same policy and resource issues as identified in previous strategic planning sessions. Our challenges here in Waukesha County directly mirror the issues affecting justice services at the state and national levels. At the National Conference on the Future of the Judiciary convened in March of 1996, participants identified 10 key focus issues for the court system to consider and build into their business and services planning. The 10 items for consideration include:

- ✓ Establish strong team leadership among judges and administrators.
- ✓ Explore options to reduce the cost of participation in the justice system.
- ✓ Institutionalize strategic planning, research, and evaluation.
- ✓ Implement trial and appellate court performance standards, and increase efforts to eliminate race, ethnic, and gender bias in the courts.
- ✓ Encourage judicial participation in the community outside of the courtroom.
- ✓ Make court procedures, forms, and instructions easier for lay persons to understand and use.
- ✓ Create a broad inclusive legal process.
- ✓ Expand collaboration with other governmental agencies and service providers.
- ✓ Enhance training, education, and professional development opportunities for staff.
- ✓ Cultivate relations with the legislative and executive branches of government.

These focus issues highlight areas where judicial officials and court managers need to provide a high degree of leadership in re-defining and developing new relationships and processes to successfully address these public service issues.

Justice System Challenges

Critical Fiscal, Caseload, Customer Service and Technology Resource Issues

There are numerous fundamental service trends and policy items, which need to be considered and accounted for if we are going to maintain a responsive and effective justice system. Waukesha County is becoming increasingly urbanized due to its proximity to Milwaukee County, and is experiencing higher than average growth in its population; as a result, it is seeing significant growth in the number and complexity of the legal issues brought into its the system. This holds true for all case types, criminal, family, civil, juvenile, mental health, and probate.

Wisconsin circuit courts and the offices of the Clerk of Court, Juvenile Court, and Register in Probate were established, granted governing authority, and operate under the state constitution and a combination of state statutes, supreme court rules, legal decisions, local court rules, and county ordinance. Funding for the state legal system has been statutorily established and is shared by the state and by the counties. The current system of shared responsibilities and funding has resulted in some awkward fiscal arrangements and intergovernmental political issues. These are critical system resource issues, which need to be addressed in order to ensure that the integrity and independence of the judicial branch of government is not compromised. At the same time, the public's concern for system costs at both the state and county level needs to be considered.

In response to public perceptions of crime levels and changes in social interaction, new crimes have been defined and new laws and sanctions have been passed to protect private individuals and punish offenders. The sanctions have resulted in significant increases in law enforcement activity, increased prosecution activity, case filing growth, and greater levels of defendant management and incarceration at both the county and state levels. In many instances, the fiscal impacts resulting from these legislative changes have been attributed solely to the court system. In reality the law changes enacted by the legislature have generally limited judicial discretion on the charges as brought forward by the District Attorney, and on potential sentences as provided by the statutes.

Regardless of the reasons for the growth in case activity, the court system must ensure that open access to the courts, and that timely and equitable case resolution is a universal standard. Also, judicial officers and court administrators are seeing greater diversity among system users, and efforts to assist self-represented case participants and provide for more user-friendly system participation is growing. The same need to accommodate diversity and flexibility among case participants is true for integrating and using alternative methods of resolving legal issues, particularly in cases involving civil claims, family issues, and juvenile offenses. We also have had to begin considering how to address growing concerns related to the safety and security of case participants and court personnel in the courthouse and related spaces.

Highly sophisticated electronic technologies and automated business support and information management applications have become critical and indispensable tools used in the operations and services of the court system. With the use of these essential electronic systems, we also have to recognize and plan for issues involving on-line information access, information security, and fail-safe information retention. The use of

electronic systems has also opened up greater opportunities than ever before to share information and improve inter-agency collaboration and services. If pursued and implemented intelligently, these tools improve the process and outcomes for everyone.

Developing a Strategic Plan, Business Standards and Performance Standards

Implementing and Using the Court Performance Standards (CPS) Model

All of the preceding background information and supporting material is presented to serve as the foundation for us to build on our current strategic initiatives. In our 2003-2005 planning document we will be structuring our plan to take advantage of a set of national performance goals and related standards that were initially developed through the U.S. Department of Justice, Bureau of Justice Assistance and the National Center for State Courts. We will incorporate a significant portion of ideas and values incorporated in the Court Performance Standards (CPS) to serve as a way to articulate and associate Waukesha County's 'Critical Issues' with our Circuit Court Services prioritized 'Goals.'

As a management tool the Court performance Standards are based upon five performance areas (Critical Issues) which represent the basic outcomes or mission, of any court system. These values are identified as:

- ❖ Access To Justice
- ❖ Expedition and Timeliness
- ❖ Equality, Fairness, and Integrity
- ❖ Independence and Accountability
- ❖ Public Trust and Confidence

These core performance areas articulated by the Court Performance Standards, are directly on point with the broad system expectations noted in the national and state public opinion surveys referenced. The CPS represent a viable way for us to create more uniform court specific performance standards and, likewise, develop clear measurement criteria which can represent how well we are meeting our defined goals.

For each of the core performance areas there are a number of standards defined, 22 in total. Each of the standards represent conditions which should exist if a court system is performing effectively. For our Circuit Court Service's plan, key staff met and individually prioritized the standards based upon their perceptions of the standard's importance to our system or need for improvement. All of the individual rankings were then aggregated which allowed the development of a set of prioritized goals. Our system-wide Circuit Court Services goals for 2003-2005 are identified as follows:

- Standard 1.2 Safety, Accessibility, and Convenience
- Standard 1.4 Courtesy, Responsiveness, and Respect
- Standard 1.5 Affordable Cost of Access
- Standard 2.1 Effective Case Processing
- Standard 2.2 Compliance With Schedules

- Standard 3.5 Responsibility for Enforcement
- Standard 3.6 Production and Preservation of Records
- Standard 4.2 Accountability for Public Resources

- Standard 4.4 Public Education
- Standard 4.5 Response to Change
- Standard 5.1 Accessibility
- Standard 5.2 Expeditious, Fair, and Reliable Court Functions

In our departmental strategic plan these standards will be used by each court services division to identify specific strategic initiatives needed to address improvements or recommended business changes and to define their key service measures for tracking their performance in these core areas.